IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :10806 of 1998

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Dated: 15th June 2007.

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Between:

B.Gopal Rao S/o late Punnaiah, aged about 50 years, Workshop Supdt., General Enqingeering Workshop, APSSIDC, Industrial Estate, R/o Vijayawada, Krishna District.

..... PETITIONER

AND

The A.P. Small Scale Industrial Development Corporation Limited, Rep. by its Managing Director, 5-9-58/B, Parisharam Bhavan, Basheerabagh, Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.10806 OF 1998

ORAL ORDER:

This writ petition has been instituted questioning the correctness of the order passed on 16-09-1997 by the respondent-Corporation placing the writ petitioner, who was working then as Works Superintendent, General Engineering Workshop, Vijayawada, under suspension, pending enquiry into certain allegations thrown against him.

At the interlocutory stage, the writ petitioner had carried the matter in the previous round by way of appeal by instituting W.A.No.1570 of 1997 and a Division Bench of this Court dismissed the same with an order as follows:

> " We are unable to say that the order of suspension impugned in the writ petition is without jurisdiction, nor can we enter into the merits of the allegations levelled against the appellant at this stage in order to judge whether the suspension pending enquiry was warranted. However, we direct that the enquiry should be expedited by framing charges and appointing enquiry officer at the earlier. With this observation, the writ appeal is dismissed at the admission stage."

In spite of the order passed by the Division Bench on 20-01-1997, that the enquiry be expedited, the respondent-Corporation had not taken any decision

either to conduct the enquiry or lift the order of suspension passed against the petitioner, hence, the present writ petition came to be instituted.

Except stating that the matter was receiving the attention at the highest level as to how to proceed against the petitioner, nothing tangible has been spelt out in the counter affidavit filed by the respondent-Corporation as on 20-06-1998.

It is only hoped that the respondent-Corporation might have decided the entire matter duly terminating the disciplinary proceedings that have been initiated against the petitioner by now. If the disciplinary proceedings were not concluded yet, there would hardly be any justification to continue the writ petitioner under suspension for prolonged spell of nearly ten years. Therefore, for any reason other than the reasons attributable to the writ petitioner, if the disciplinary proceedings have not been concluded against the writ petitioner one way or the other, the writ petitioner deserves to be reinstated into service at the earliest.

Therefore, the decision in this regard is liable to be taken by the respondent-Corporation to reinstate the writ petitioner into service within a period of one month from the date of receipt of a copy of this order, if he has not been reinstated into service by now.

With this, the writ petition is disposed of. No costs.

Nooty Ramamohana Rao, J

mrk

15th June 2007.